

PLANNING AND ZONING BOARD
JULY 26, 2000

1. ROLL CALL

The meeting was called to order at 7:37 p.m. Board members present were Chair George Greb, Vice-Chair Jay Stahl, Michael Davenport, Lawrence Davis, and Edna Moore. Also present were Interim Town Attorney Monroe Kiar, Development Services Director Mark Kutney, Planning and Zoning Manager Jeff Katims, Planner II Jason Eppy, Planner II Marcie Nolan, and Board Secretary Alina Medina recording the meeting.

2. PUBLIC HEARING

Vacation/Abandonment

- 2.1 VA 6-1-00, Town of Davie, a portion of NW 33 Street, between Davie Road Extension and NW 75 Avenue, extending from Davie Road Extension approximately 310 feet west (tabled from July 12, 2000)

Mr. Eppy stated that staff was requesting that this item be tabled to August 9, 2000 in order to obtain "no objection" letters.

Mr. Davenport made a motion, seconded by Ms. Moore, tabling this item to August 9, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

Variances

- 2.2 V 5-4-00, Lombardo/Ross-Matz Investments, 8020 SW 30 Street (B-2) (tabled from July 12, 2000)

Mr. Eppy stated that the petitioner was requesting that this item be tabled to August 9, 2000 to continue modification of the site plan to reduce the extent of the request.

Vice-Chairman Stahl made a motion, seconded by Mr. Davis, tabling this item to August 9, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

- 2.3 V 6-3-00, Mobil Oil Company/Barclay Group No. 8, Ltd, 351 SW 136 Street (B-2)

As the petitioner was not present, Chairman Greb asked that this item be moved to the bottom of the agenda.

Mr. Davis made a motion, seconded by Mr. Davenport, moving this item to the bottom of the agenda. In a voice vote, all voted in favor. **(Motion carried 5-0)**

3. OLD BUSINESS

- 3.1 Discussion: ZB (TXT) 06-01-00, Proposed Land Development Code amendment to create a new one-dwelling unit per acre, zoning single family district, providing for flexible lot sizes and increased public amenities, such as open space and pedestrian buffers (tabled from July 12, 2000)

Debbie Orshefsky, Kevin Ratterie, and Larry Portnoy, representing the petitioner, were present. Ms. Orshefsky stated that the petitioner wanted to duplicate the community of Long Lake Estates, however, the current Code did not allow it so new zoning regulations were drafted. She added that this R-1E proposed regulation would provide the Town with another tool for the Town to implement its one dwelling unit per acre land use plan category.

Mr. Ratterie explained that the proposed zoning regulation gave a developer flexibility of creative design by allowing lots sizes from 20,000 to 35,000 square feet, in exchange for which the development standards must meet or exceed current zoning classifications for one-unit per acre districts (for example: increased open space, increased recreational areas, increased landscaping/berming/buffer, increased setbacks for public roads, increased floor

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plan sizes). He stated that this district must comply with a master development plan and must be compatible with adjacent property (for example, a 20,000 square foot lot in this development could not abut a 35,000 square foot lot in an adjacent development). Mr. Ratterie stated that the proposed district would not permit a developer to exceed one unit per gross acre.

Mr. Ratterie stated that single family detached homes were the only residential uses permitted, in addition to equestrian facilities, guest cottages, residential agricultural uses, and recreation facilities. He explained that the flaw with the Town's old estate zoning district was that it required a large amount of open space, but did not require it to be dry land or external to the development. Mr. Ratterie stated that one of staff's recommendation was that 50% of the open space, less the water, must be located on the perimeter of the development to be visible by all residents. He stated that another difference was that recreation requirements must be 100% on-site, 25% of which must be on the perimeter and deeded to the Town for public use. Mr. Ratterie added that the current requirement was 10 acres per thousand.

Mr. Ratterie stated that the current zoning code required only one tree per back yard, but the proposed district required three trees per back yard in addition to a minimum 50 foot landscape buffer when abutting a 50 foot or greater public road right-of-way, the content of which exceeded current code requirements.

Mr. Davenport asked what the open space ratio was for a lot of 20,000 square feet. Mr. Ratterie replied that the average lot area was 25,000 square feet. He stated that for a lot of 26562 square feet, 31.67% must be open space.

Mr. Davenport asked if a home owner's association could override any of these deed restrictions. Mr. Kiar explained that only the developer could place deed restrictions unless it was in the homeowner association documents. Ms. Orshefsky stated that all property owners would be required to comply with the deed restrictions.

Chairman Greb asked how much could be water. Mr. Ratterie replied that the current code allowed 15% to count as open space. Chairman Greb asked how many lots could be developed under R-1 as opposed to R-1E if a lake was dug for fill. Mr. Ratterie replied that the R-1 would allow 383 lots, and R-1E would allow 408 lots. Ms. Orshefsky noted that even though this was 25 lots more than the R-1 zoning allowed, it was almost 50 less than what the land use plan allowed.

Mr. Davis asked if there was a proposed number of lots that would be under 35,000 square feet. Mr. Ratterie replied that the estimate was 13% of the total. He added that tonight's proposal was only for the general district, not the specific development proposal.

Ms. Moore stated that this made sense to her.

Vice-Chairman Stahl expressed concern that density would be increased and felt this was too similar to estate zoning. Mr. Ratterie stated that the surrounding residents had been presented with the plan and did not object. He added that although it did allow more units, the one unit per acre requirement could not be exceeded. Ms. Orshefsky reminded the Board that this district would not be appropriate in all areas of the Town, but could be utilized as a tool in areas where it was appropriate. Discussion followed.

Mr. Davis asked how the number of units would be affected by raising the minimum lot size to 25,000 square feet. Mr. Ratterie was unsure, but explained that the benefit to the developer to spend the great deal of money for the extra landscaping and such came by the extra lots.

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Chairman Greb stated that 0% open space should be allowed for water and it should be usable by the public to benefit the entire Town. Ms. Moore felt that most people objected to open space behind their homes as it tended to bring unwanted people into their yards.

Mr. Davenport stated that there were many differences between the proposed district and the old estate district. He stated that the main reason he liked it was because it would offer open space to more people than who owned the property.

Mr. Davis asked for clarification of the 25% public open space requirement. Mr. Ratterie explained that the current code required 10 acres per 1,000 to be available for recreation, however, there was an option to "cash-out" and not build recreational areas on-site. He stated that the proposed district would require that 10 acres per 1,000 to be on-site, at a minimum of two acres in size, and the impact fee could be utilized by the Town to install facilities in the parks. Mr. Ratterie added that the proposed district would actually increase the required open space, because 25% of the 10 acres per 1,000 must be accessible and deeded to the public.

Chairman Greb asked if this Code change would bind the developer to anything represented at this meeting. Mr. Kiar replied negatively, as only a Code change was being considered at this time; therefore, the concept of the development was a courtesy but was not binding or relevant to the issue. He added that the petitioner would have to apply for a rezoning of the property if the Code change was approved. Discussion followed.

Ms. Nolan read the planning report (staff's recommendation: approval subject to staff recommendations and addendum addressing non-specific items).

Mr. Davis asked about the deed restriction in addendum number 1 on page 5. Ms. Nolan explained that if a lot met Code requirements making it capable of providing for horses, horses could not be prohibited.

Chairman Greb asked if anyone wished to speak for or against the Code change.

Jim Aucamp, a resident of Davie West, was impressed that the developer had met with the residents before coming to this Board or Council. He stated that the people of Davie West liked what was presented at the homeowners meetings and felt that this development would help the tax base.

Gail Stage, 3398 SW 117 Avenue, thanked the applicant for the lengths to which the developer had gone to involve the homeowners. She added that she hoped the Town would do whatever possible to hold the developer to its word of what this development would be, because what was presented looked good.

Alfie Hamilton, 14330 SW 21 Street, was in favor of the change as it would increase the tax base and provide more open space.

Dianne Shultz, a resident of Majestic Groves, also applauded the applicant for the effort made to inform their neighborhood even with the lack of a homeowners association, however, she felt the Code change was not necessary and provided choices and opportunities to the developer, not the residents. She stated that Majestic Groves had a problem with flooding and expressed concern that the new zoning district would exasperate the problem. Ms. Shultz did not feel that a two-acre park on this busy intersection was a benefit, when a "premier open space park" was so close. She stated that GL Homes had made it clear that none of the benefits would be given if the residents stood in their way of obtaining the new zoning district.

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George Barascus, a resident of Majestic Groves, expressed concern that even though this was a nice community, approving this would set a precedent for other developers to lower the standard of lot sizes. He stated that the Town was very unique and should stay that way.

Linda Greck, a resident of Majestic Groves, agreed that GL Homes went to extraordinary lengths to inform her community, listen to their concerns, and make changes based on those concerns addressing most of them. She stated she did not ride her horse on Hiatus Road because it was so dangerous and therefore could not get to Robbins Lodge safely, so she was thrilled that the new district proposed an increased easement for recreational purposes. Ms. Greck agreed that concern should be expressed over reducing lot sizes, however, felt that the applicant had addressed this issue by providing that abutting lot sizes would be comparable to the adjacent community. She stated that she was in favor.

Chairman Greb closed the public hearing.

Mr. Ratterie stated that if the district was approved, all the stated benefits would be provided; however, if the district was not approved, only the existing zoning requirements would be met. He explained that Ms. Shultz' comment related to GL Homes' offer to help with the drainage problem, even though this development did not create that problem.

Vice-Chairman Stahl stated that he couldn't base his decision on the presented plans since they were conceptual and gave no guarantee of what would be built. He stated that the ordinance would increase density and traffic by allowing more homes to be built.

Mr. Davenport liked some of the requirements in the addendum and felt that it would be an enhancement to the Code.

Mr. Davis stated that the concept of more open space available to the public, with funding for the Town to develop the open space, was a good one.

Ms. Moore stated that the Code was too restrictive, and this change would help by giving another choice to developers.

Chairman Greb felt that this zoning was too similar to the estate zoning, which the majority of people in Davie did not want. He expressed concern that this ordinance would change the unique look of the Town. Chairman Greb stated that whether the property was zoned R-1 or R-1E, trails would be built when the property was developed because the Town required trails.

Mr. Davenport made a motion, seconded by Ms. Moore, to recommend approval subject to staff's recommendations and the addendum. In a roll call vote, the vote was as follows: Chairman Greb, no; Vice-Chairman Stahl, no; Mr. Davenport, yes; Mr. Davis, no; and Ms. Moore, yes. **(Motion failed 3-2)**

Mr. Davis stated that his concerns were the density and minimum lot sizes. Chairman Greb stated that the only thing that would sway him would be if 100% of the open space was required to be net dry land and guaranteed for use by the public.

Mr. Davis made a motion, seconded by Vice-Chairman Stahl, to recommend approval subject to staff's recommendations and the addendum, with the exception that 100% of the open space would be required to be net dry land and guaranteed for use by the public. Mr. Ratterie stated that this motion would remove any incentive for a private developer to utilize this district. In a roll call vote, the vote was as follows: Chairman Greb, yes; Vice-Chairman Stahl, no; Mr. Davenport, no; Mr. Davis, no; and Ms. Moore, no. **(Motion failed 4-1)**

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Ms. Moore made a motion, seconded by Mr. Davenport, to recommend approval. In a roll call vote, the vote was as follows: Chairman Greb, no; Vice-Chairman Stahl, no; Mr. Davenport, no; Mr. Davis, no; and Ms. Moore, yes. **(Motion failed 4-1)**

Mr. Davenport made a motion, seconded by Vice-Chairman Stahl, to recommend approval subject to staff's recommendations and the addendum that was proposed by the staff in addition subject to the Council considering the fact that the Town of Davie to raise the minimum lot size from 20,000 feet to above to a number that will be more acceptable to the council and the public and subject to accessibility to more that 25% above the public area. In a roll call vote, the vote was as follows: Chairman Greb, no; Vice-Chairman Stahl, yes; Mr. Davenport, yes; Mr. Davis, yes; and Ms. Moore, no. **(Motion carried 3-2)**

4. NEW BUSINESS

- 4.1 Selection of Representative for the Joint Economic Development Steering Committee (meetings are held on the first Friday of each month at 8:00 a.m.) (term to begin in September 2000)

Vice-Chairman Stahl made a motion, seconded by Mr. Davenport, to appoint Mr. Davis. In a voice vote, all voted in favor. **(Motion carried 5-0)**

2.3 V 6-3-00, Mobil Oil Company/Barclay Group No. 8, Ltd, 351 SW 136 Street (B-2)

As the petitioner was not present, Mr. Davis made a motion, seconded by Ms. Moore, tabling this item to August 9, 2000. In a voice vote, all voted in favor. **(Motion carried 5-0)**

5. COMMENTS AND/OR SUGGESTIONS

There were no comments or suggestions.

6. ADJOURNMENT

There being no objections, the meeting adjourned at 10:26 p.m.

Approved: _____

Chair/Board Member